

REMARKS

Applicants have received and carefully reviewed the Final Office Action mailed November 24, 2009, the Advisory Action mailed on February 17, 2010, and the Notice of Panel Decision mailed on May 12, 2010. Currently, claims 1-4, 9-13, 15-16, 24, 28, 30-32, 34-38, 43, 50, 52, 54, 56-57, 61, 63, 71-74, and 80-87 have been rejected. With this Amendment, claims 1-2, 4, 7-8, 28, 30-35, 50-53, 56-58, 61-63, 65-66, and 86-87 have been amended and claim 3 has been canceled without prejudice. As such, claims 1-4, 7-24, 26-28, 30-38, 43, 50-59, 61-63, 65-66, 69-76, and 78-87 remain pending of which claims 7-8, 14, 17-23, 26-27, 33, 43, 51, 53, 55, 58-59, 62, 65-66, 69-70, 75-76, and 78-79 were previously withdrawn from consideration. No new matter is believed to have been added. Favorable consideration of the following remarks is respectfully requested.

Claim Rejections – 35 U.S.C. § 103

In paragraph 3 of the Final Office Action, claims 1-4, 9-13, 15-16, 24, 28, 30-32, 34-38, 50, 52, 54, 56-57, 61, 63, 71-74 and 80-86 were rejected under 35 U.S.C. §103(a) as being unpatentable over Maseda (U.S. Patent No. 6,514,237) in view of Couvillon (U.S. Patent Application Publication No. 2003/0236531). Applicants respectfully traverse this rejection.

Turning to claim 1, which recites:

1. A medical device comprising
an elongate body adapted for insertion into a body lumen, said elongate body having distal and proximal ends and an axis; and
an active region comprising a conductive polymer disposed over the elongate body, wherein said conductive polymer has an activated state when exposed to an electrical potential and a deactivated state when unexposed to an electrical potential, wherein the activated state is volumetrically expanded in at least one radial dimension relative to the deactivated state, wherein, in the activated state, the medical device is expanded in at least one radial dimension relative to said deactivated state;
wherein said active region surrounds said elongate body in the form of a continuous circumferential band having a length, the active region being bonded to the elongate body along said length.

Nothing in Maseda or Couvillon, either taken alone or in combination, appears to disclose many elements of claim 1, including for example, “an active region comprising a conductive polymer disposed over the elongate body, wherein said conductive polymer has an activated state when

exposed to an electrical potential and a deactivated state when unexposed to an electrical potential, wherein the activated state is volumetrically expanded in at least one radial dimension relative to the deactivated state, wherein, in the activated state, the medical device is expanded in at least one radial dimension relative to said deactivated state” and “wherein said active region surrounds said elongate body in the form of a continuous circumferential band having a length, the active region being bonded to the elongate body along said length”. For at least these reasons, claim 1 is believed to be patentable over Maseda in view of Couvillon. For similar reasons and others, claims 2, 4, 9-13, 15-16, 24, 71-74 and 80-84, which depend from claim 1 and include additional distinguishing features, are believed to be patentable over Maseda in view of Couvillon. Withdrawal of the rejections is respectfully requested.

Turning to claim 28, which recites:

28. A medical device comprising
an elongate body adapted for insertion into a body lumen, said elongate body having distal and proximal ends and an axis;
an inflatable balloon disposed about a distal region of the elongate body; and
an active region comprising a conductive polymer disposed over the elongate body and beneath the inflatable balloon, wherein said active region has a length, the entire length of the active region is directly attached to the elongate body, where said active region is configured volumetrically expand in a radial dimension when exposed to an electrical potential, and, when exposed to said electrical potential, said active region radially advances at least a portion of the inflatable balloon from a substantially uninflated state to a first expanded state.

Nothing in Maseda or Couvillon, taken either alone or in combination, appear to disclose many elements of claim 28, including for example, “an inflatable balloon disposed about a distal region of the elongate body” and “an active region comprising a conductive polymer disposed over the elongate body and beneath the inflatable balloon, wherein said active region has a length, the entire length of the active region is directly attached to the elongate body, where said active region is configured volumetrically expand in a radial dimension when exposed to an electrical potential, and, when exposed to said electrical potential, said active region radially advances at least a portion of the inflatable balloon from a substantially uninflated state to a first expanded state”. For at least these reasons, claim 28 is believed to be patentable over Maseda in view of Couvillon. For similar reasons and others, claims 30-32, 34-38 and 85-86, which depend from claim 28 and include additional distinguishing features, are believed to be patentable over Maseda in view of Couvillon. Withdrawal of the rejections is respectfully requested.

Turning to claim 50, which recites:

50. A balloon catheter comprising:

a catheter shaft adapted for insertion into a body lumen of a patient, said catheter shaft defining an inflation lumen;

an inflatable balloon disposed about a distal region of said catheter shaft, wherein the interior of said balloon is in fluid communication with said inflation lumen; and

one or more electrically actuated members disposed along at least a portion of the distal region of said catheter shaft, wherein said one or more electrically actuated members are radially positioned between said elongated shaft and said inflatable balloon, wherein, when activated, said one or more electrically actuated members are adapted to transform said inflatable balloon from a radially contracted state in which said insertable body is more readily inserted into said body lumen of said patient to a first radially expanded state, wherein said inflatable balloon is configured to be further expanded to a second radially expanded state with an inflation media received via the inflation lumen, wherein the second radially expanded state is larger than the first radially expanded state.

Nothing in Maseda or Couvillon appear to disclose many elements of claim 50, including for example, "an inflatable balloon disposed about a distal region of said catheter shaft, wherein the interior of said balloon is in fluid communication with said inflation lumen" and "one or more electrically actuated members disposed along at least a portion of the distal region of said catheter shaft, wherein said one or more electrically actuated members are radially positioned between said elongated shaft and said inflatable balloon, wherein, when activated, said one or more electrically actuated members are adapted to transform said inflatable balloon from a radially contracted state in which said insertable body is more readily inserted into said body lumen of said patient to a first radially expanded state, wherein said inflatable balloon is configured to be further expanded to a second radially expanded state with an inflation media received via the inflation lumen, wherein the second radially expanded state is larger than the first radially expanded state". For at least these reasons, claim 50 is believed to be patentable over Maseda in view of Couvillon. For similar reasons and others, claims 52, 54, 56-57, 61 and 63, which depend from claim 50 and include additional distinguishing features, are believed to be patentable over Maseda in view of Couvillon. Withdrawal of the rejections is respectfully requested.

In paragraph 4 of the Final Office Action, claim 87 was rejected under 35 U.S.C. §103(a) as being unpatentable over Maseda (U.S. Patent No. 6,514,237) and Couvillon (U.S. Patent

Application Publication No. 2003/0236531) in view of Sharrow (4,793,359). Applicants respectfully traverse this rejection. As discussed above, claim 28 is believed to be patentable over Maseda in view of Couvillon. For at least these reasons, claim 87, which depends from claim 28 and includes additional distinguishing features, is believed to be patentable over Maseda in view of Couvillon and further in view of Sharrow. Withdrawal of the rejections is respectfully requested.

Conclusion

Reconsideration and further examination of the rejections are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

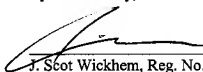
Respectfully submitted,

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By his Attorney,

Date: _____

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